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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mario Cantero Brandes

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,806

Applicant(s)

CANTERO BRANDES ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

1. Claims 1-45 are pending. Claims 1-44 were elected for prosecution without traverse in the response to the Election/Restriction requirement filed 09/27/04 entered as Response to Restriction Requirement. Claim 45 was canceled/withdrawn from prosecution.

After considerable review of the claims 1-45 another type of restriction was found by the Examiner. The previous Election/Restriction is hereby withdrawn in view of a new ground(s) of restriction as set forth here below.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1 (A), wherein the admissible identification code of each payee is selected among a telephone number, a number related to a telephone number, an Internee code, a code representative of an Internet code, an e-mail address, and a code based on an e-mail address, as claimed in claim 2.

Species 1(B), wherein the first verifying means verify the payer's admissible telephone number from a code received through the telecommunication means, representative of said admissible telephone number and contained in the first data storage means, as claimed in claim 3.

Species 1 (c), wherein the second acceptance message generates an order to the telecommunication means to transmit to the mobile telephone of a payer identified by the admissible telephone number, a first confirmation message that the payer

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request to transmit the safety parameter that is to be verified by the third verifying means against the safety criterion, as claimed in claim 4.

Species 1 (D), wherein the second acceptance message further generates an order to the telecommunication means to communicate with the telecommunication terminal identified by the admissible identification code detected by the first verifying means, to transmit a second confirmation message that confirms the generation of the first acceptance message, as claimed in claim 5,

Species 1 (E), wherein the third acceptance message generated by the third verifying means generates an order to the telecommunication means to communicate with the telecommunication terminal identified by the admissible identification code detected by the first verifying means to transmit a third confirmation message that confirms the generation of the third acceptance message, as claimed in claim 6.

Species 1 (F), wherein the third acceptance message generated by the third verifying means generates an order to the telecommunication means to communicate with the mobile telephone identified by the admissible telephone number detected by the first verifying means, and to transmit a fourth confirmation message that confirms the generation of the third acceptance message, as claimed in claim 7.

Species 1 (G), wherein the third acceptance message generated by the third verifying means generates a command to the account management means to process the debit in the payer's account and to process the corresponding credit in the payee's

Species 2 (A), wherein the account management means control at least a first intermediate account of each payee contained in the first data storage means and in which each credit is made, as claimed in claim 9,

Species 2 (B), wherein the account management means comprise first transmission means for transmitting said credit to an administration and management server that comprises the payees' data bank in which all credits made in favor of each payee, are stored, the administration and management server transferring the credits contained in the data bank to financial entities that manage each payee's financial accounts, as claimed in claim 10.

Species 2 (C), which in the account management means control second intermediate accounts selected from prepayment accounts, debit accounts in real time and post-payment accounts, of the payers, as claimed in claim 11.

Species 2 (D), wherein the prepayment accounts controlled by the account management means comprise an electronic purse previously created in the first data storage means for each buyer, as claimed in claim 12.

Species 2 (C), wherein the authorization request comprises data regarding the value of the transaction, and wherein the pre-established authorization criterion verified by the second verifying means is selected among an available balance, a maximum credit limit and combinations thereof, established for each account of each payer, as claimed in claim 13.

Species 2 (D), wherein the account management means comprise second transmission means for transmitting said debit to an administration and management

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server that comprises a payers' data bank wherein all debits made against each payer are stored, the administration and management server transferring the credits contained in the payers' data bank to financial entities that manage each payer's financial accounts, as claimed in claim 14.

Species 3 (A), wherein the safety criterion verified by the third verifying means is a secret identification code known by the payer and stored in the first data storage means, as claimed in claim 15.

Species 3 (B), wherein the third verifying means directly verify whether the safety parameter contains the secret identification code, as claimed in claim 16.

Species 3 (C), wherein the third verifying means verify whether the safety parameter contains an encrypted result of a self-verification carried out locally in the mobile telephone after direct entry of the secret identification code into the mobile telephone by the payer, by means of, decryption means for decrypting the encrypted result, on the basis of the secret identification code stored in the first data storage means, as claimed in claim 17.

Species 3 (D), wherein when the first message verified by the first verifying means is a message received from the telecommunication terminal, the second acceptance message generates an order to the telecommunication means to establish communication with the mobile telephone for requesting the payer identified by the admissible telephone number to transmit the safety parameter, as claimed in 18-22 (note that claims 19-22 are alternate subspecies and if species 3 (D) is selected, then

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either the subspecies of claim 19 or the subspecies of claim 20 or the subspecies of claim 21 or the subspecies of claim 22 should be selected).

Species 4 (A), wherein the first data storage means further comprise, with respect to each payee, third information associated with said second information and that comprises data regarding products or services corresponding to each authorized transaction, end wherein the first server further comprises second detecting means for detecting a second instruction to manage a delivery in person corresponding to an authorized transaction and received from the telecommunication terminal being a payee's mobile telephone delivery code generating means for generating a delivery code identifying at least a product or service to be delivered, and identification message generating means. identifying said product or service, and wherein the confirmation message generating means further generate an additional message that contains the delivery code, said additional message being transmitted to the payer's mobile telephone and to the payee's mobile telephone and the identifying message being transmitted at least to the payer's mobile telephone along with a request to transmit the safety parameter, and delivery management processing means that, when the third verifying scans have verified that the safety parameter satisfies the safety criterion associated to the payer's mobile telephone, generate an entry in a delivery note data base, as claimed in claim 23.

Species 4 (B), wherein the first data Storage means also comprise fourth information associated to said second information and that

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that identify the products or services of at least one payee, as well as a price associated to each product or service, as claimed in claim 24.

Species 4 (C), wherein the fourth information also comprises a first selectable telephone number comprised of one of said reference codes and an identification code of the corresponding payee, and that constitutes the admissible identification code as claimed in claim 25.

Species 4 (D), wherein the fourth information also comprises the admissible identification code in the form of a telephone number for access to the payee associated to at least a first menu comprised of the reference codes, the products or services identified respectively by each one of said reference codes and the price of said products or services, as claimed in claim 26.

Species 4 (E), wherein the admissible identification code is an admissible access telephone number for accessing a second menu of with admissible identification codes of a plurality of associated payees, and wherein the first data storage means further comprise fifth information associated to said second information the fifth information comprising reference codes that identify products or services offered by each one of the associated payees the first information further comprising a price associated to each product or service, as claimed in claim 27.

Species 4 (F), wherein the fifth information further comprises an admissible identification code composed of a first selectable telephone number comprised of one of

Species 4 (G), wherein the fifth information further comprises the admissible identification code of the payee in the form of an access telephone number of the payee, said access telephone number being associated to at least a first menu, said menu containing the reference codes, the products or services identified respectively by each of said reference codes and the price of each of said products or services, as claimed in claim 29.

Species 5 (A), wherein the second information in the first data storage means comprise identification codes of a plurality of vending machines each one of which includes a digital mobile telephone as a telecommunication terminal, identified by a mobile telephone number as an admissible identification code; an authorization code associated to the admissible identification code of each vending machine; an activation code for activating the vending machine, associated to each authorization code that activates the vending machine for receiving a request from the payer identified by the admissible telephone number; and wherein the confirmation message generating means generate, when the first, second and third verifying means have respectively generated the first, second and third acceptance message, and transmit the confirmation message that comprises at least the code for activating the vending machine and the: admissible telephone number of the payer's mobile telephone, as claimed in claim 30.

Species 5 (B), wherein the confirmation message generating means establish a communication between the payer's mobile telephone and the vending machine, for a pre-established period of time during which the payer can transmit, through the first

server, a selection message to the vending machine; and wherein the server further comprises deactivation detecting means for detecting deactivation of the vending machine, as claimed in claim 31.

Species 5 (C), wherein the authorization criterion associated to the admissible telephone number of each vending machine is a direct authorization code that establishes a maximum limit selected from an economic value and a number of dispensing requests, admitted in a specific period of time in respect of requests made from the same mobile telephone, and wherein the confirmation message generating means generate the confirmation message when the direct authorization code has been detected, as claimed in claim 32.

Species 5 (D), wherein when the confirmation message generating means in the first server close the communication with the vending machine after having transmitted the confirmation message, so that the payer may make his selection directly by means of the selection display of the vending machine, as claimed in claim 33.

Species 5 (E), wherein the first server further comprises recording means associated to the authorization means for recording transactions recorded in each vending machine, as claimed in claim 34.

Species 5 (F), wherein the first verifying means of the first server further comprise complementary verifying means for verifying if the admissible identification code that has been verified by the first verifying means corresponds to a further admissible telephone number of a digital mobile telephone the first information contained in the first data storage means, and wherein the complementary verifying

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means, when detecting that the further admissible telephone number corresponds to a payee, generate a fourth acceptance message that is processable by the confirmation message generating means; whereas the rejection message generating means generate a rejection message if the fourth acceptance message has not been generated, as claimed in claims 35 and 36 (note that claim 36 is an alternate subspecies and if species 5 F is selected, then the subspecies of claim 36 should be selected).

Species 6 (A), wherein, in the first server, each second information contained in the second data storage means and referring to the type of digital mobile telephone corresponding to each admissible telephone number of each associated payer and each admissible identification code of each payee when the latter is a number of a digital mobile telephone, is a first identifying code being representative of the International Mobile Equipment Identifier (IMEI), as claimed in claim 37.

Species 6 (B), wherein the first server comprises first inquiry means for inquiring in at least one Visitor Location Register (VLR) comprising a first register relating telephone numbers with an IMEI code, the IMEI code corresponding to each of the admissible telephone numbers, and updating means for updating said second information in the second data storage means by comparing each AVIEI code inquired by the first inquiry means with each code being representative of the IMEI code associated to each admissible telephone number as contained in the second data storage means, as claimed in claim 38.

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Species 6 (C), wherein the first inquiry means extract the IMEI code associated to each admissible phone number, from an Equipment identifier register (EIR) that contains an association between each admissible telephone number and the TMEI code corresponding to each admissible telephone number, and which receive said association from each Visitor Location Register as updated by said Visitor Location Register, as claimed in claim 39.

Species 6 (D), wherein the first inquiry means extract the IMEI code associated to each admissible telephone number, from an Unstructured Supplementary Service Data {USSD} frame into which each Visitor Location Register associated to each Mobile Switching Center {MSC} which has issued said frame, has inserted the IMEI code associated to the admissible telephone number corresponding to the user who has originated said frame, as claimed in claim 40.

Species 6 (E), wherein the first inquiry means extract the IMEI code associated to each admissible telephone number, through an interface between the Visitor Location Register and laid inquiry means, as claimed in claim 41.

Species 6 (F), wherein the first server comprises second inquiry means for inquiring the IMEI code corresponding to each admissible telephone number, In Call Data Registers (CDR) of a data bank of a mobile telephony network operator, that contain a relation of each telephone number which, on the grounds of a call, has originated a Call Data Register with an IMEI code of the terminal from which said call originated, second updating means for updating said second information in the second data storage means on the basis of a comparison of each IMEI code inquired by the

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second inquiry means with each code being representative of the IMEI code associated to each admissible telephone number, contained in the second data storage means, as claimed in claim 42 .

Species 6 (G), wherein the second information further comprises at least one datum being indicative of a communication capacity selected from a capacity of managing sessions according to Wireless Application Protocols (WAP), a Capacity of managing sessions of Unstructured Supplementary Service Data (USSD), and combinations thereof, of each digital mobile telephone identified by an IMEI code and associated to an admissible telephone number, as claimed in claim 43.

Species 6 (H), wherein the first server comprises third inquiry means for inquiring in a data bank of a mobile telephony network operator, registers that each Mobile Switching Center (MSC) transfers immediately each time a USSD frame or a voice call is addressed to a specific telephone number, said registers containing a relation of each telephone number from which a call was made or originated the USSD frame with an IMEI code of the terminal from which said call. or frame originated, in respect of the IMEI codes corresponding to each admissible telephone number, and third updating means for updating said second information in said second data storage means on the basis of a comparison of each inquired IMEI code inquired by the third inquiry means with each code being representative of the IMEI code associated to each admissible telephone number contained in the second data storage means, as claimed in claim 44

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Species 7 (A), selectively receiving through telecommunication means, in a payment and transaction center a first message comprising the number of a mobile telephone of a payer or an identification code of payee, and, furthermore, receiving the amount of a purchase or of a code identifying a product or service, in the payment and transaction center, verifying if the first message originates from a payer identified by an admissible telephone number or an admissible identification code of a payee; verifying if the conditions of a transaction requested in the first message, satisfy transaction criteria stored in first data storing means; checking "on line", in the first data storage means, if the payer has a disposable balance in a previously created electronic purse in said transaction and payment center; requesting the payer identified in the first message, when the transaction condition is satisfied and there is a sufficient disposable balance for authorizing the transaction, to introduce into the mobile telephone identified in the first message, and to transmit, a safety parameter; verifying in the first data storage means, if the safety parameter introduced into and transmitted by the mobile telephone of the payer, satisfies a safety criterion univocally assigned to said mobile telephone; authorizing and carrying out the transaction as requested when the safety parameter satisfies the safety criterion; and sending a confirmation that the transaction as requested when the safety parameter satisfies the safety criterion; and sending a confirmation that the transaction has been carried out, to the mobile telephone of the payer and to the payee, wherein the method comprises verifying the type of digital mobile telephone apparatus associated to the admissible telephone number, in second data storage means, and selecting one telephone number, in second data storage

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means, and selecting one telecommunications equipment for communicating with the digital mobile telephone identified by the admissible telephone number, through a telecommunications service being compatible with the type of digital mobile telephone identified by the admissible telephone number, as claimed in claim 45.

Applicants' are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In this instance the Applicants' must select Species 1 (A-G) and one of Species 2 (A-D) and one of Species 3 (A-D) and one of Species 4 (A-G) and one of Species 5 (A-F) and Species 6 (A-H). Species 7, claim 45 is a generic claim.

Applicants' are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicants' traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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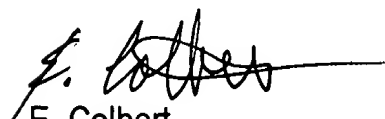
case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Inquiries

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


E. Colbert
December 11, 2004